IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.382 OF 2007
Along with
Civil Application No.559 OF 2007

Shri Abdul Rauf Usman Gani
and 3 ors. .. Appellants
Vs
Shri Rafik Ahmed Dost Qurashi .. Respondent.

Ms Gauri Godse, for the appellants.
Mr R.D.Suryawanshi, for the respondent.

CORAM : D.B.BHOSALE,J.
DATED : 5th September, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This appeal is directed against the judgments of the courts below, by which a suit filed by the respondent-plaintiff stands decreed. The suit was filed for injunction simplicitor restraining the defendants from making construction over the suit lane between the house of the plaintiff and the property of the defendants. Both the courts below, after having considered the entire evidence on record, have recorded a categoric finding that the plaintiff is having right, title and interest over the suit lane described in the plaint and that he is in possession and use thereof. Ms.Godse, learned counsel for the appellant, submitted that it has come on record that the suit house of the plaintiff is standing on the Government plot and,

therefore, he has no right to seek injunction protecting the property of the Government. I find no merit in the submission in view of the admitted fact that the plaintiff has a house standing on Survey No.632 since last several years and he is held to have a right, title and interest over the suit property. Even if it is assumed that the house of the plaintiff stands on the Government lane that, by itself, would not be sufficient to deny the injunction as prayed in the suit. The judgments of both the courts below are based on the evidence on record and I find no reason to interfere with the concurrent findings recorded by the courts below decreeing the suit filed by the respondent-plaintiff. No substantial question of law is either raised or involved in the appeal. The second appeal is, accordingly, dismissed. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)